

**Notice of Allowability**

Application No.

10/045,108

Examiner

Mr. Terry K. Cecil

Applicant(s)

CATO ET AL.

Art Unit

1723

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the associated power of attorney and interview summary of 9-9-2003.
2. ☒ The allowed claim(s) is/are 1, 4-10 are allowed and have been renumbered upon allowance as claims 1-8.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>0903</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                       |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance      |
|  | 9 <input type="checkbox"/> Other   |

Art Unit: 1723

*Note: Claims 1, 4-10 are allowed and have been renumbered upon allowance as claims 1-8.*

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Esther L. Roberts on 9-9-2003.

2. The application has been amended as follows:

- The Claims has been amended as follows:

1. (Amended) A self-anchoring mast that deploys a high-speed submersible mixer in a tank, comprising:

- a) a first mast member;
- b) a second mast member operably connected to said first mast member; and
- c) a foot member operably connected to said second mast member to support said self-anchoring mast in a tank;

said second mast member comprising attachment means connecting a mixer thereto,

said attachment means comprising first and second tracks forming a continuous recess,

said first track extending in a first direction and said second track extending in a second

direction different from said first direction, said continuous recess slidably receiving a

bearing of the mixer for changing the orientation thereof.

Art Unit: 1723

2. (Canceled)
3. (Canceled)
4. (Amended) The mast of Claim 3 1, wherein:  
said first and second tracks are aligned at approximately a right angle.
5. (Amended) The mast of Claim 3 1, wherein:  
said first track extends in a first direction that is axial and in the same as ~~the axial~~  
direction as of said first mast member; and said second track extends in a second  
direction at approximately a right angle to said first direction.
6. (Original) The mast of Claim 5, wherein:  
said foot member includes a support base and a bearing assembly;  
said bearing assembly is fixedly attached to said second mast member; and  
wherein said second mast member is rotatable relative to said support base.
7. (Amended) A self-anchoring mast that deploys a high-speed submersible mixer in  
a tank, comprising:
  - a) an upper mast member;
  - b) a lower mast member operably connected to said upper mast  
member;
  - c) a foot member operably connected to said lower mast member to  
support said self-anchoring mast in a tank;
  - d) said lower mast member including attachment means connecting a  
mixer thereto; and
  - e) said attachment means comprising first and second tracks forming a

continuous recess slidably receiving a bearing of the mixer for changing the orientation thereof, said first track extending in a first direction and said second track extending in a second direction different from said first direction.

8. (Original) The mast of Claim 7, wherein:

said first track extends axially in the same direction as said upper mast member.

9. (Original) The mast of Claim 8, wherein:

said second track extends at approximately a right angle to said upper mast member.

10. (Original) The mast of Claim 9, wherein:

said foot member includes a support base and a bearing assembly;

said bearing assembly is fixedly attached to said lower mast member; and

wherein said lower mast member is rotatable relative to said support base.

11. (Cancelled)

12. (Cancelled)

- In the "Parts List" section of the specification, reference no. "11" has been changed to "12" as shown in the drawings.
- On page 6, of the specification, line 19, after "section 38", —defining a continuous recess therebetween— has been added.
- The abstract has been replaced with the following:  
—A self-anchoring mast for deploying a high-speed submersible mixer in a tank includes operably connected first and second mast members (20, 22) and a foot member 46 operably

Art Unit: 1723

connected to the second mast member for supporting the mast in a tank. The second mast member includes a track (36, 38) for slidably receiving a bearing of the mixer to change the orientation of the mixer in the tank.—

- The Title has been amended as follows:

—A SELF-ANCHORING MAST FOR DEPLOYING A HIGH-SPEED  
SUBMERSIBLE ~~MISER~~ MIXER IN A TANK—

*Reasons for Allowance*

3. The following is an examiner's statement of reasons for allowance:
  - The limitations of claims 2 and 3 were added to claim 1 and limitations requiring the first and second tracks to extend in different directions and to form a continuous recess to slidably receive a bearing of the mixer for changing the orientation of the mixer were added to both claims 1 and 7. The continuous recess is shown in e.g. applicant's figure 4 (track portions 36 and 38 define a continuous recess therebetween).
  - The closest cited art—Supelak (U.S. 5,366,289)—fails to anticipate or render obvious, alone or in any proper combination, the aforementioned added limitations: As shown in figures 3 and 4, Supelak teaches first and second tracks (140, 141) for receiving a bearing of the mixer to change the orientation thereof, but do not teach the tracks to extend in different directions nor to form a continuous recess.

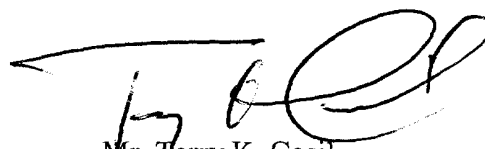
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Art Unit: 1723

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (703)305-0079 for any inquiries concerning this communication or earlier communications from the examiner.  
Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:00a to 4:30p, on at least four days during the week M-F.
- The group receptionist can be reached at (703)308-0661 for inquiries of a general nature or those relating to the status of this or proceeding applications.
- Wanda Walker, the examiner's supervisor, can be reached at (703)308-0457 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is 703-872-9306.



Mr. Terry K. Cecil  
Examiner  
Art Unit 1723

TKC  
September 12, 2003